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EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/894,431

**Applicant(s)**

NGUYEN ET AL.

**Examiner**

Andrew Y. Koenig

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-21 and 25-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-21 and 25-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 2, 6-21, and 25-36 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 6, 9-21, 25, 30, 32, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) in view of U.S. Patent 5,410,326 to Goldstein.

Regarding claim 1, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. Croy teaches that information being electronic mail (col. 9, ll. 19-30) and displays the message, but is silent on providing notification to a user in response to the alert signal without displaying the message. In analogous art, Goldstein teaches a mail icon along with providing notification to a user in response to the alert signal without displaying the mail message (fig. 4, label 80, col.

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11, ll. 27-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by providing an alert without displaying the message as taught by Goldstein in order to enable the user to select the message at the convenience of the user.

Regarding claim 2, Croy teaches a set top box as the customer premise equipment (col. 8, ll. 53-61).

Regarding claim 6, the combination of Croy and Goldstein teaches displaying a notification message using an LCD but is silent on providing a light signal. Official Notice is taken that the use of a light signal is well known in the art such as LEDs for showing that the device has power or messages. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by using a light signal in order to provide information to the user when the lighting is low thereby facilitating in conveying information to the user.

Regarding claim 9, Croy teaches the alert signal being transmitted wireless by radio frequency, which is capable of penetrating a wall or barrier (col. 4, ll. 13-38).

Regarding claim 10, Croy teaches a base station, which transmits all the information to the personal navigator (col. 8, ll. 53-61).

Regarding claim 11, Croy teaches displaying messages immediately on the personal navigator, which equates to a notification device capable of receiving the alert signal.

Regarding claim 12, Croy teaches the personal navigator as being capable of downloading data and code from a variety of sources (col. 8, ll. 33-52), further Croy

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teaches using the personal navigator for a different applications (col. 9, ll. 11-34).

Clearly, the personal navigator is capable of transmitting a control signal that permits the execution of an application for processing the received information.

Regarding claim 13, Croy teaches a base station, which can be implemented into a devices, such as a set top boxes, personal computers, etc. (col. 8, ll. 53-61), by having a processor, clearly the customer premise equipment is capable of detecting received information.

Regarding claim 14, Croy teaches a base station, which can be implemented into a television, displays information; clearly the customer premise equipment is capable of displaying the received information.

Regarding claim 15, Croy teaches a display (fig. 2, label 246), which is a display for displaying the received information.

Regarding claim 16, Croy teaches the personal navigator coupled to the base station via a wireless connection (col. 4, ll. 13-38).

Regarding claim 17, Croy teaches the personal navigator coupled to the base station via a wired connection (col. 4, ll. 13-38).

Regarding claim 18, Croy teaches wireless and wired connections, but is silent on using cable wire. Official Notice is taken that the use of cable wiring is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by using a wired connection in order to efficiently transmit data over a low-noise transmission channel thereby enabling a higher data throughput.

Regarding claim 19, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. Croy teaches displaying a message immediately (col. 13, ll. 44-47), which reads on an alert signal for notification. Croy teaches that information being electronic mail (col. 9, ll. 19-30) and displays the message, but is silent on providing notification to a user in response to the alert signal without displaying the message. In analogous art, Goldstein teaches a mail icon along with providing notification to a user in response to the alert signal without displaying the mail message (fig. 4, label 80, col. 11, ll. 27-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by providing an alert without displaying the message as taught by Goldstein in order to enable the user to select the message at the convenience of the user.

Regarding claim 20, Croy is silent on transmitting a command from the personal navigator to the set top box to execute an application capable of processing the received information. Official Notice is taken that transmitting a command to execute an application capable of processing the received information is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by transmitting a command to execute an application capable of processing the received information in order to easily display newly receiving information to the user.

Regarding claim 21, Croy teaches a set top box as the customer premise equipment (col. 8, ll. 53-61).

Regarding claim 25, the combination of Croy and Goldstein teaches displaying a notification message using an LCD but is silent on providing a light signal. Official Notice is taken that the use of a light signal is well known in the art such as LEDs for showing that the device has power or messages. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by using a light signal in order to provide information to the user when the lighting is low thereby facilitating in conveying information to the user.

Regarding claim 30, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. Croy teaches a base station, which can be implemented into a television, displays information; clearly the customer premise equipment is capable of displaying the received information. Croy teaches a base station, which can be implemented into a devices, such as a set top boxes, personal computers, etc. (col. 8, ll. 53-61), by having a processor, clearly the customer premise equipment is capable of detecting received information. Croy teaches an LCD (fig. 2, label 246) for displaying a message immediately (col. 13, ll. 44-47). Croy teaches that information being electronic mail (col. 9, ll. 19-30) and displays the message, but is silent on providing notification to a user in response to the alert signal without displaying

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the message. In analogous art, Goldstein teaches a mail icon along with providing notification to a user in response to the alert signal without displaying the mail message (fig. 4, label 80, col. 11, ll. 27-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by providing an alert without displaying the message as taught by Goldstein in order to enable the user to select the message at the convenience of the user. The combination of Croy and Goldstein teaches displaying a notification message using an LCD but is silent on providing a light signal. Official Notice is taken that the use of a light signal is well known in the art such as LEDs for showing that the device has power or messages. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by using a light signal in order to provide information to the user when the lighting is low thereby facilitating in conveying information to the user.

Regarding claim 32, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. Croy teaches a base station, which can be implemented into a television, displays information; clearly the customer premise equipment is capable of displaying the received information. Croy teaches a base station, which can be implemented into a devices, such as a set top boxes, personal computers, etc. (col. 8, ll. 53-61), by having a processor, clearly the customer premise



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equipment is capable of detecting received information. Croy teaches an LCD (fig. 2, label 246) for displaying a message immediately (col. 13, ll. 44-47).

Croy teaches that information being electronic mail (col. 9, ll. 19-30) and displays the message, but is silent on providing notification to a user in response to the alert signal without displaying the message. In analogous art, Goldstein teaches a mail icon along with providing notification to a user in response to the alert signal without displaying the mail message (fig. 4, label 80, col. 11, ll. 27-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by providing an alert without displaying the message as taught by Goldstein in order to enable the user to select the message at the convenience of the user.

The combination of Croy and Goldstein teaches displaying a notification message using an LCD but is silent on providing a light signal. Official Notice is taken that the use of a light signal is well known in the art such as LEDs for showing that the device has power or messages. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by using a light signal in order to provide information to the user when the lighting is low thereby facilitating in conveying information to the user.

Regarding claim 33, the combination of Croy and Goldstein teaches displaying a notification message using an LCD but is silent on providing a light signal. Official Notice is taken that the use of a light signal is well known in the art such as LEDs for showing that the device has power or messages. Therefore, it would have been

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obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by using a light signal in order to provide information to the user when the lighting is low thereby facilitating in conveying information to the user.

Regarding claim 35, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. Croy teaches displaying a message immediately (col. 13, ll. 44-47), which reads on an alert signal for notification.

Consequently, the set top box is capable to receive an instant message from a data communication network, and capable to transmit a second alert signal in response to receiving the instant message; and the personal navigator is capable of receiving the second alert signal and capable to provide a notification of the instant message to a user in response to the signal, wherein the notification of the instant message is different from the notification of the e-mail message, in that a different message is capable of being displayed.

4. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) and U.S. Patent 5,410,326 to Goldstein in view of U.S. Patent 6,081,830 to Schindler.

Regarding claim 28, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and

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cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. The personal navigator of Croy has a memory (fig. 2, label 222), which is a mach readable memory for storing instructions. Croy teaches displaying a message immediately (col. 13, ll. 44-47), which reads on an alert signal for notification.

Croy teaches that information being electronic mail (col. 9, ll. 19-30) and displays the message, but is silent on providing notification to a user in response to the alert signal without displaying the message. In analogous art, Goldstein teaches a mail icon along with providing notification to a user in response to the alert signal without displaying the mail message (fig. 4, label 80, col. 11, ll. 27-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by providing an alert without displaying the message as taught by Goldstein in order to enable the user to select the message at the convenience of the user.

Croy teaches receiving a variety of information, such as personal messages (col. 9, ll. 4-34), but Croy is silent on received information being an instant message. Schindler teaches receiving instant messages in the form of a chat room conversation (col. 3, ll. 26-43), which reads on an instant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by receiving instant messages as taught by Schindler in order to enable a user easy access to chat rooms, thereby increasing the information available to the User.

Regarding claim 29, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. Croy teaches displaying a message immediately (col. 13, ll. 44-47), which reads on an alert signal for notification. Croy teaches receiving a variety of information, such as personal messages (col. 9, ll. 4-34), but Croy is silent on received information being an instant message. Schindler teaches receiving instant messages in the form of a chat room conversation (col. 3, ll. 26-43), which reads on an instant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by receiving instant messages as taught by Schindler in order to enable a user easy access to chat rooms, thereby increasing the information available to the user.

5. Claims 7, 8, 26, 27, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) and U.S. Patent 5,410,326 to Goldstein in view of U.S. Patent 6,313,887 to Gudorf.

Regarding claim 7, Croy teaches a speaker (fig. 2, label 250, col. 5, ll. 32-34), which produces a sound signal. However, Croy is silent on producing a sound signal for a notification. Gudorf teaches an auditory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by producing an auditory alert as taught by Gudorf

in order to alter the user that a message has been received thereby enabling the user to react appropriately to the newly received message.

Regarding claim 8, Croy teaches a display and speaker, but is silent on producing a vibration signal for a notification. Gudorf teaches a vibratory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by producing an vibratory alert as taught by Gudorf in order to alter the user that a message has been received thereby enabling the user to react appropriately to the newly received message.

Regarding claim 26, Croy teaches a speaker (fig. 2, label 250, col. 5, ll. 32-34), which produces a sound signal. However, Croy is silent on producing a sound signal for a notification. Gudorf teaches an auditory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by producing an auditory alert as taught by Gudorf in order to alter the user that a message has been received thereby enabling the user to react appropriately to the newly received message.

Regarding claim 27, Croy teaches a display and speaker, but is silent on producing a vibration signal for a notification. Gudorf teaches a vibratory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by producing an vibratory alert as taught by Gudorf in order to alter the user that a message has been

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received thereby enabling the user to react appropriately to the newly received message.

Regarding claim 34, Croy teaches a speaker (fig. 2, label 250, col. 5, ll. 32-34), which produces a sound signal. However, Croy is silent on producing a sound signal for a notification. Gudorf teaches an auditory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by producing an auditory alert as taught by Gudorf in order to alter the user that a message has been received thereby enabling the user to react appropriately to the newly received message.

6. Claims 31 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) and U.S. Patent 5,410,326 to Goldstein in view of U.S. Patent Application Publication 2005/0055411 to Bouchard et al. (Bouchard)

Regarding claim 31, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. Croy teaches a base station, which can be implemented into a television, displays information; clearly the customer premise equipment is capable of displaying the received information. Croy teaches a base station, which can be implemented into a devices, such as a set top boxes, personal

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computers, etc. (col. 8, ll. 53-61), by having a processor, clearly the customer premise equipment is capable of detecting received information. Croy teaches an LCD (fig. 2, label 246) for displaying a message immediately (col. 13, ll. 44-47). The combination of Croy and Goldstein teaches a first visual indicator to notify the user of incoming e-mail messages, but is silent on a second visual indicator to notify the user of an incoming instant message. Bouchard teaches that displaying information to the user to notify a new message is present (pg. 2, para. 0015). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by providing a notification that a new instant message is present as taught by Bouchard in order to enable the recipient to instant be aware of and review the new messages (Bouchard: pg. 1, para. 0002). Croy, Goldstein, and Bouchard are silent on providing a second visual indicator, Official Notice is taken that visual indicators are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy, Goldstein, and Bouchard by adding another visual indicator on the remote control in order to provide information to the user easily with a portable device.

Regarding claim 36, Croy teaches that information being electronic mail (col. 9, ll. 19-30) and displays the message, but is silent on providing notification to a user in response to the alert signal without displaying the message. In analogous art, Goldstein teaches a mail icon along with providing notification to a user in response to the alert signal without displaying the mail message (fig. 4, label 80, col. 11, ll. 27-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Croy by providing an alert without displaying the message as taught by Goldstein in order to enable the user to select the message at the convenience of the user.

Croy teaches an LCD (fig. 2, label 246) for displaying a message immediately (col. 13, ll. 44-47). The combination of Croy and Goldstein teaches a first visual indicator to notify the user of incoming e-mail messages, but is silent on a second visual indicator to notify the user of an incoming instant message. Bouchard teaches that displaying information to the user to notify a new message is present (pg. 2, para. 0015). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by providing a notification that a new instant message is present as taught by Bouchard in order to enable the recipient to instant be aware of and review the new messages (Bouchard: pg. 1, para. 0002). Croy, Goldstein, and Bouchard are silent on providing a second visual indicator, Official Notice is taken that visual indicators are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy, Goldstein, and Bouchard by adding another visual indicator on the remote control in order to provide information to the user easily with a portable device.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ayk



CHRIS GRANT  
PRIMARY EXAMINER